

## MINUTES – SEPTEMBER 20, 2004

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, September 20, 2004. Members present: Mel O. Battle, Chairman, Larry G. Hamlett, Vice-Chairman, Jack W. Hooper, Cathy W. Lucas, Kenneth D. Travis, and George W. Ward, Jr. Absent: Nathaniel Hall. Also present: Jeffrey H. Earp, County Manager, Robert V. Shaver, Jr., County Attorney, Gordon Bendall representing The Caswell Messenger, and Lauren Chesnut representing The Danville Register & Bee. Wanda P. Smith, Clerk to the Board, recorded the minutes.

### MOMENT OF SILENT PRAYER

Chairman Battle opened the meeting with a Moment of Silent Prayer.

### APPROVAL OF AGENDA

Commissioner Travis moved, seconded by Commissioner Hamlett to approve the agenda as presented. The motion carried unanimously with Commissioner Ward absent.

### APPROVAL OF CONSENT AGENDA

Commissioner Hamlett moved, seconded by Commissioner Hooper to approve the Consent Agenda as presented.

Commissioner Lucas requested that No. B, Budget Amendment No. 1 be removed from the Consent Agenda.

(Commissioner Ward entered the meeting at this time).

Upon a vote of the motion, with the removal of No. B, Budget Amendment No. 1 from the Consent Agenda, the motion carried unanimously.

The following items were included on the Consent Agenda:

- 1) Approval of Minutes of July 19 and August 2, 2004 Meetings
- 2) Budget Amendment No. 2
- 3) Monthly Tax Report for August, 2004

Total Amount of Taxes Collected	\$113,949.02
Tax Maps/Tax Cards	\$ 243.95
County Maps	\$ 51.35
Beer License	\$ 50.00
Wine License	\$ 25.00
2004 Tax Prepayments	\$ 26,503.74

(Real and personal property; not vehicles-not licensed)

4) Monthly EMS Billing Report for August, 2004

Total Billed	\$ 40,033.50
Total Collected	\$ 20,337.26
Total Claims Filed with Medicare	80
Total Claims Filed with Medicaid	16
Total Adjustments Private Pay	\$ 332.80
Total Adjustments Medicare/Medicaid	\$ 8,362.73

Commissioner Lucas stated that she needed some clarification from the County Manager on Budget Amendment No. 1, Section 1.1., Fire Tax Balance, which is 78,652. Commissioner Lucas asked if this is the Reserve that is carried forward. The County Manager answered that this \$78,652 is the amount that is in excess of what was budgeted from Fire Tax last year and will be disbursed to all of the fire departments. Commissioner Lucas noted that the amount last year was \$84,244 and asked to what the difference is attributed. Mr. Earp answered that the difference is attributable to collections not being as good.

Chairman Battle stated that there are several vehicles registered in other counties and the owner lives in Caswell County. Chairman Battle added that the County does not receive fire tax monies from these individuals. Chairman Battle stated that he has asked many times and has never received a definitive answer as to who is responsible for identifying these vehicles and making sure they are registered in Caswell County. Chairman Battle added that the County is losing tax dollars because of this.

Commissioner Hamlett moved, seconded by Commissioner Travis to approve Budget Amendment No. 1 as presented. The motion carried unanimously.

PUBLIC COMMENTS

Chairman Battle opened the floor for public comments. There were no public comments made.

BOARD OF ADJUSTMENTS

Chairman Battle moved, seconded by Commissioner Travis to recess as the Board of Commissioners and convene as the Board of Adjustments to hear a variance request of the Hyco Lake Zoning Ordinance. The motion carried unanimously.

Mr. Mike Cusimano, County Planner and Mr. Paul Moon came forth and were sworn in as witnesses by the Clerk to the Board.

Mr. Mike Cusimano, County Planner, reported to the Board that Mr. Paul Moon has requested a variance from the County's side yard setback requirements found in the Subdivision and Hyco Lake Zoning Ordinances in order to erect a garage/shop/storage building on his property located at 811 Elmore Road. Mr. Cusimano noted that the

Planning Board has jurisdiction over the Subdivision Ordinance and the Board of Commissioners presides over the Zoning Ordinance. Mr. Cusimano stated that Mr. Moon was also required to bring his request before the Planning Board to receive a variance of the side yard setback from the Subdivision Ordinance and they have granted this variance with provisions. Mr. Cusimano presented the Board with the findings of fact on this request and recommended that the Board grant the variance request to Mr. Paul Moon.

After further discussion, Chairman Battle moved, seconded by Commissioner Travis to approve the request by Mr. Paul Moon for a variance of the Hyco Lake Zoning Ordinance as presented after reaching a conclusion based on the following findings of fact as submitted in the staff recommendation.

#### Staff Recommendation

Based on the evidence and testimony supplied by the applicant and Donnie Powell, Caswell County Environmental Health, at the time the application was filed, I determine the following findings of fact;

1. If the applicant complies with the provisions of the ordinance, he/she will not be able to enjoy a reasonable return from the property or make reasonable use of it because; by adhering to the setback requirements the applicants garage/shop structure (a reasonable residential use of the property) would interfere with the existing drain field and repair area for the septic system.
2. The hardship affecting the property results from the application of the ordinance (not from market conditions or the existence of private restrictive covenants) because; the direct application of the ordinance does not take into account the location of the septic system and the narrow configuration of the lot and its topography.
3. The hardship is suffered by the applicant's property (the applicants personal, social, or economic circumstances are irrelevant) because; the hardship is caused by the narrow configuration of the lot and its topography combined with the location of the septic system and repair area.
4. The hardship does not result from the applicant's own actions because; the on-site conditions existed prior to the applicants purchase of the property.
5. The hardship is unique to the applicant's property because; it is unusual and unique to find these entire limiting site factors coinciding on a single parcel.
6. The variance requested is the minimum variance from the ordinance that will allow a reasonable use or return from the property and it is in harmony with the general purpose and intent of the ordinance and it does preserve its spirit because; the proposed use of the property, if the variance is granted, would prevent the structure

from compromising the septic system and enhance the value of the property as well as surrounding properties.

7. That by granting the variance the Board shall ensure public safety, health, and welfare and do substantial justice because; it assures that the applicants septic system and repair area remain in tact and provides the applicant with a common and reasonable use of his property.

Therefore, unless evidence or testimony is presented at the hearing to the contrary, I recommend that the request for the variance be granted subject to the following conditions:

1. The applicant shall obtain all required building permits
2. The applicant is required to follow the site plan as submitted. All amendments to the site plan shall be approved by the staff prior to implementing them.

The motion carried unanimously.

Chairman Battle moved, seconded by Commissioner Travis to adjourn as the Board of Adjustments and reconvene as the Board of Commissioners. The motion carried unanimously.

#### CASWELL COUNTY SCHOOLS – REQUEST FOR FUNDING

Dr. Douglas N. Barker, Superintendent, Caswell County Schools, came before the Board to request funding for capital needs. Dr. Barker submitted to the Board the following partial list of items which need additional capital funding. Dr. Barker stated that these items were discussed with the Board of Commissioners at budget time and he was asked to obtain definitive quotes for the Ninth Grade Building Roof and Civic Center Roof.

#### **PROJECTS**

- |   |                                |
|---|--------------------------------|
| 1. 9 <sup>th</sup> Grade Building Roof                  | \$68,250 + \$6,825 contingency |
| 2. 9 <sup>th</sup> Grade Bldg. Ceiling Tile Replacement | \$26,500 + \$2,650 contingency |
| 3. Civic Center Roof                                    | \$41,250 + \$4,125 contingency |
| 4. Re-roof Administration Building                      | \$45,388                       |
| 5. Exterior Door Replacement/BYHS                       | \$30,000                       |

- |  |          |
|--|----------|
| 6. Window and Door Replacement/St. Creek | \$50,000 |
| 7. Renovation in Science Lab (Chemistry) | \$25,000 |
| 8. Bathroom Renovations/BYHS             | \$50,000 |

Dr. Barker stated that three bids were received on the two roof projects and he has listed the low bid on each project. Dr. Barker added that the bids he has on the roof projects are good for 30 days. Dr. Barker stated that the other items listed are definite needs of the School system and briefly reviewed each project.

Chairman Battle questioned the status of ADM Funds. Dr. Barker answered that there was approximately \$35,000 in ADM Funds at budget time and there may be an additional \$3,000 - \$4,000 now. Dr. Barker noted that approximately \$100,000 per year is normally put into ADM Funds.

Dr. Barker was also present to request funding for the demolition and replacement of the old baseball bleachers at the High School due to notice from the NC Department of State Instruction/Public School Insurance Fund that the insurance coverage on this property will be cancelled as of October 3, 2004.

Chairman Battle stated that in adding the total cost of all the projects, the amount needed is \$367,265, including Contingency and the bleachers. Chairman Battle added that Piedmont Community College's request totaled approximately \$350,000. Chairman Battle recommended that the Board of Education's request be referred to the Building and Grounds Committee. Chairman Battle added that the Building and Grounds Committee can then make recommendations for the requests by the Board of Education and Piedmont Community College to be presented at the Board's October 4<sup>th</sup> meeting.

Commissioner Lucas referred to the list of capital needs submitted by the Board of Education during budget work sessions and noted that it totaled \$784,000 and if these are true needs and she felt that they were, then the Board may need to go ahead and secure a bond if the School Board would be in agreement to committing ADM monies for the payment since that is the purpose of these funds. Dr. Barker stated that he felt that the Board of Education would be in agreement as long as the Board of Commissioners could assure them that they would not have to use these monies for major repairs as they had to do last year. Dr. Barker clarified that the list referred to is by no means the entire list of needs of the School System. Commissioner Lucas noted that a lot of the items are safety issues.

#### REQUEST FROM UDC CHAPTER #1152

Mr. Jeff Earp, County Manager, presented a request from the United Daughters of the Confederacy, Chapter #1152. Mr. Earp reported that the UDC Chapter #1152 has submitted an application for placement of a memorial marker on the Square near the statue to read, "In Memory of the Founding Daughters Chapter 1152 U.D.C. 1909-2004".

Mr. Earp added that the request stated, "In keeping with other beautification and memorial projects affecting the Public Square, Chapter 1152 of United Daughters of the Confederacy requests permission to place a small granite-based bronze plaque near the base of the present 1921 Confederate Monument".

Chairman Battle stated that he is in favor of the memorial marker, but in reviewing the attached document, it appears that the marker has already been purchased and felt that this was presumptuous on the part of the UDC.

After further discussion, Chairman Battle moved, seconded by Commissioner Hooper to approve the request submitted by the UDC to place a memorial marker near the base of the 1921 Confederate Monument in memory of the Founding Daughters of the United Daughters of the Confederacy, Chapter 1152. The motion carried unanimously.

Chairman Battle questioned the Clerk to the Board as to whether there is a written policy clarifying authority as to who controls the Square and what is placed on it. The Clerk to the Board answered that to her knowledge there is no written policy as to where the authority lies in control of the Public Square. Chairman Battle noted that several years ago a Thomas Day Monument was placed on the corner of the Square and was removed to a location in Milton. Chairman Battle stated that there needed to be some clarity. Chairman Battle directed the Clerk to the Board to research this issue further.

#### DOWNSTAIRS COURTROOM RENOVATION

Mr. Jeff Earp, County Manager, provided the Board with four bids obtained by Mr. John Satterfield, Clerk of Superior Court, for the renovation of the downstairs Courtroom (former Commissioners' Meeting Room) and the Magistrate's Office located in the New Courthouse. Mr. Earp stated that this is the last phase of the renovation project that has been ongoing for about a year. Mr. Earp reported that the bids range from \$9,381.50 to \$35,500. Mr. Earp added that Mr. Satterfield informed him that the only difference in the construction was that the two low bidders were going to use the existing platform and that the others were going to replace from floor up. The following bids were received:

- 1) Moon Creek Construction - \$9,381.50
- 2) Lloyd Blalock - \$16,232
- 3) Brooks Millwork Company - \$33,032
- 4) Quality Construction - \$35,500

Mr. Earp stated that Mr. Satterfield had informed him that he had met with each vendor and felt confident that each one could provide a quality product, but would prefer that one of the two lower bids be approved. Mr. Earp noted that there is approximately \$53,000 in the Court Facilities Fund.

Commissioner Lucas questioned why two quotes were for full construction and two were for renovations and if all companies were given the same specifications for the job. Mr.

Earp answered that the same specifications were sent to everybody and two of the companies decided they did not want to use the current platform.

After further discussion, Commissioner Travis moved, seconded by Commissioner Ward to award the contract for renovation of the downstairs Courtroom and the Magistrate's Office in the New Courthouse to Moon Creek Construction at a cost of \$9,381.50. The motion carried unanimously.

Commissioner Hooper reported that the carpeting has been completed in the Register of Deeds' and Tax Offices.

#### APPOINTMENT TO BOARD OF HEALTH

Chairman Battle reported that the Clerk to the Board has informed the Board that Dr. Charles Cuono, who was appointed by the Board at its last meeting to the Board of Health to fill the Licensed Physician vacancy is ineligible to serve in accordance with North Carolina General Statute 130A-35, since he is not licensed to practice medicine in North Carolina.

After discussion, Chairman Battle moved, seconded by Commissioner Ward to appoint Dr. Jack Turner to the Board of Health to fill the Licensed Physician vacancy. The motion carried unanimously.

#### EXTENSION OF WATER SERVICE TO THE PROSPECT HILL COMMUNITY

Mr. Jeff Earp, County Manager, reported that he asked the Board at its September 7, 2004 meeting to afford him the opportunity to develop a plan and explore funding options for a project to extend a waterline to Prospect Hill with the Town of Yanceyville. Mr. Earp stated that he wanted to do this in order to 1) address job retention at Royal Park; 2) address well contamination issues; and 3) to look at extending water to citizens and South Elementary School and using this as one of the backbones of County-wide water. Mr. Earp added that the Board requested that he provide them information dealing with the current status of Royal Park water needs, contamination issues in the area, usage figures and funding options. Mr. Earp provided the Board with the requested information and asked that he be allowed to explore these options. Mr. Earp noted that this in no way would obligate the County to do anything, rather it would allow the County to see what could be accomplished, what it will cost, and what sources could be used for funding.

Chairman Battle asked what would be involved to explore the identified funding sources. Mr. Earp answered that a plan would need to be developed and presented to these agencies.

Commissioner Lucas referred to information concerning a deep well water solution and sprinkler system for Royal Park Uniforms and asked if there were other funding sources available for the purpose of erecting a water tower and deep well solution for this purpose

due to the fact that it is a retention effort. Mr. Earp answered that funds are available with county or city participation.

Commissioner Lucas referred to the Publicly Owned Treated Water figures and asked if the monthly bill rate with a 30% signup would be double water rates since it is outside of the Town limits. Mr. Earp stated that this is for the County to explore. Mr. Earp added that if this project is done jointly, an agreement would need to be considered and worked out.

Commissioner Lucas stated that before the Board takes any action or continues with this, she would like to hear from the public in the Prospect Hill community about how they feel about the extension of a waterline to their area. Commissioner Lucas added that she thought it would be very beneficial to do this prior to acquiring grant funding.

Commissioner Travis stated that the County Manager is only asking to explore extending the waterline and the Board has made no commitment to do the project.

After further discussion, Commissioner Travis moved, seconded by Commissioner Hamlett to give the County Manager the authority to explore the development of a plan and funding options for a project to extend a waterline to Prospect Hill with the Town of Yanceyville.

Commissioner Lucas stated that while it is good to see the revenues from the project, no where do they see the expenses involved in such a project.

Upon a vote of the motion, the motion carried by a vote of five to one with Commissioner Lucas voting no.

### COUNTY MANAGER'S REPORT

Mr. Jeff Earp, County Manager, reported that the 911 Board met and reviewed all of the bids received for cooling the 911 communication facility. Mr. Earp reported that it is the 911 Board's recommendation to contract with Dallas Powell Heating/AC to install additional cooling equipment to efficiently and effectively cool the 911 communication facility. Mr. Earp added that the 911 Board felt that the recommendation by Dallas Powell Heating/AC would be the most effective solution. Mr. Earp reported that the 911 Board also approved the expenditure of 911 funds to cover the cost. After further discussion, Chairman Battle moved, seconded by Commissioner Travis to award the contract for the installation of cooling equipment to efficiently cool the 911 communication facility at a cost of \$6,400. The motion carried unanimously.

Mr. Earp reported that in the 1998 Caswell Soil Survey Memorandum of Understanding signed with USDA-NRCS and Caswell County, Natural Resources Conservation Service agreed to provide 1,000 traditional hard copy publications. Mr. Earp stated that since that time, NRCS has gradually implemented new digital soil survey products. Mr. Earp added that the first is the digital soil survey that provides a GIS product that can be downloaded



free of charge off the internet along with interactive tables of soil properties and interpretations. Mr. Earp noted that a CD version of the manuscript will also be available and these new electronic versions of the traditional hard copy increase availability to the public at a reduced cost to the taxpayer. Mr. Earp reported that the NRCS would like Caswell County's concurrence with conversion to the electronic format of this survey. Mr. Earp stated that their interim plans are to provide 1,000 copies of the CD soil survey, and 500 sets of hard copy maps to the County in lieu of distribution of the hard copy publication. Mr. Earp noted that users of soil survey information would have the option to still obtain hard copies of maps and tables that could be produced locally from these electronic sources. After discussion, Commissioner Hamlett moved, seconded by Commissioner Travis to concur with the Natural Resources Conservation Service in their recommendation as presented. The motion carried unanimously.

Mr. Earp announced that the Board has been extended an invitation by the Caswell County Human Relations Commission to attend its annual awards banquet to be held on Sunday, September 26, 2004, at 5:00 p.m. at Carolina Pinnacle Studios. Mr. Earp stated that the keynote speaker would be The Honorable Henry Frye.

Mr. Earp reported that the Board has been extended an invitation by the 21<sup>st</sup> Century Committee to attend their meeting to be held on October 5, 2004, at 10:00 a.m. in the basement of the Cooperative Extension Service Building. Mr. Earp stated that the meeting topic will address Leadership and Cooperation.

Mr. Earp reported that the Board has been extended an invitation by the North Carolina Cooperative Extension Service, Caswell County Center, to attend its Volunteer Appreciation Banquet to be held on Tuesday, September 21, 2004, at 7:00 p.m. at the Caswell County Civic Center Small Auditorium.

Mr. Earp reported that the Caswell County Hazard Mitigation Planning Committee will conduct a public meeting on Monday, September 27, 2004, at 7:00 p.m. at the Caswell County Senior Center. Mr. Earp stated that the purpose of this meeting will be to discuss and review a draft copy of the Caswell County Hazard Mitigation Plan.

#### ANNOUNCEMENTS/QUESTIONS

Chairman Battle announced that there was an article published last Thursday in the Editorial Section of The Danville Register & Bee that should be of interest to the Board.

Mr. Earp announced that a Performance Measurement Workshop would be held on Friday, October 1, 2004, at the School of Government in Chapel Hill and if anyone is interested in attending, to please let him know this week.

Mr. Earp read to the Board a letter from the Golden Leaf Foundation thanking the Board for its letter of support of the Caswell Heritage Farmer's Market Project.

CLOSED SESSION

Chairman Battle moved, seconded by Commissioner Travis to consider the compensation, terms of appointment, and performance of an individual public officer (NCGS 143-318.11(a)(6)). The motion carried unanimously.

REGULAR SESSION

Chairman Battle moved, seconded by Commissioner Hamlett to resume regular session. The motion carried unanimously.

CDOT

Commissioner Lucas moved, seconded by Chairman Battle that the annual salary of Ms. Joyce Rainey, CDOT Dispatcher be increased to \$27,360, with funding coming from one-half State funds and one-half CDOT Enterprise Fund, retroactive to July 1, 2004. The motion carried unanimously.

THE ADJOURNMENT

At 7:40 p.m. Commissioner Hamlett moved, seconded by Commissioner Travis to adjourn the meeting. The motion carried unanimously.

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Wanda P. Smith  
Clerk to the Board

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M. O. Battle  
Chairman

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